SB CRIMINAL MISC.PETITION NO.639/2006.

Jag Mohan Sharma and ors.
Vs.
State and anr.

Date of Order :- 8/8/2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. V.R. Bajwa for the petitioners.
Mr. Arun Sharma P.P. for the State.
Mr. Inderjeet Singh for Respondent No.2.
Mr. Ajay Sharma accused-petitioner No.3 is present in person on behalf of petitioners No.1, 2 and 4.
Smt.Madhu Sharma, non-petitioner No.2 complainant is present in person.

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The instant petition under Section 482 Cr.P.C. seeks quashing of the proceedings pending in the court of learned Additional Civil Judge (Junior Division) Cum-Judicial Magistrate No.9, Jaipur City, Jaipur in Cr.Case No.45/2003 whereby the application filed by the parties to compound the case for offences u/Ss.498-A and 406 I.P.C. has been rejected.

Petitioner No.4, Deepak Sharma was married to non-petitioner No.2, Smt.Madhu @ Pooja Sharma on 11/6/1998. As their marital relations got strained after sometime of the marriage, a written report was got registered at P.S. Mahila Thana (South), Jaipur on 16/5/2002 whereupon the police registered a criminal case being F.I.R. No.41/2002 for offences u/Ss.498-A and 406 I.P.C.

It appears that a petition under Section 13B of the Hindu Marriage act, 1955 for decree of divorce by mutual consent was filed by the husband and wife before the learned Judge, Family Court No.2, Jaipur City, Jaipur which was allowed and a decree of divorce by mutual consent was passed on 29/1/2004 dissolving their marriage held on 11/6/1998. The affidavit has been filed which be taken on record.

Learned counsel for the parties have jointly submitted that the parties have now come to a compromise. They have therefore, prayed that proceedings pending between the parties in the court below may be quashed in view of the judgment of the Hon'ble Apex Court in **B.S. Joshi & Ors. Vs. State of Haryana and another- [2003 RCC (SC) 400]** wherein it has been clearly held that the High Court in exercise of its inherent powers can quash criminal proceedings /F.I.R. /complaint and Section 320 Cr.P.C. does not affect or limit the inherent powers vested in this Court under Section 482 Cr.P.C.

Thus, considering the facts and circumstances of the case, having regard to the compromise arrived at between the parties and keeping in view the law laid down by the Hon'ble Apex Court in the aforementioned authority, the criminal proceedings pending between the parties in the court below deserve to be quashed for securing the ends of justice.

In the result, this criminal misc. petition u/S.482 Cr.P.C. is allowed and the criminal proceedings pending between the parties in the court of learned Additional Civil Judge (Junior Division) Cum-Judicial Magistrate No.9, Jaipur City, Jaipur in Cr.Case No.45/2003 for offences u/Ss.498-A and 406 I.P.C. are hereby quashed.

(HARBANS LAL), J.

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